

1900-044
Lee Co.

Chancery Causes: James Phillips vs. Mollie Phillips

Trent, Mc Ginnis

CA-Divorce
T-Migration

To the Hon. H. A. W. Steen, Judge
of the Circuit Court of Lee
County Virginia:

Humbly complaining your
Orator, James Phillips would
respectfully show to your Honor,
That several years ago he inter-
married with one Mollie Trunk,

At the time of said marriage
your Orator was a citizen & resident
of Lee County Va, where he & his
said wife continued to reside
together as man & wife until
something like ten years ago
when his wife, the said Mollie
Phillips for some reason unknown
to him became quarrelsome, dis-
satisfied & acting in such a manner
to make herself & your Orator both
unhappy & miserable & finally aban-
doned & deserted your Orator - left
the state of Virginia & now resides
in the state of Tennessee.

Your Orator would further state
to show your Honor that he was
to his said wife a faithful, in-
dustrious & true husband all the
time they lived together & provided
for her a good living and that he
would have continued to do so had
she remained with him & permitted him.

He would further state that no children were
born as issue of said marriage & that your
said Orator has very little property - He is a
very poor man -

Your Orator would further state that
~~he~~ has been ~~a citizen~~ a citizen & resident
of Lee County ~~all~~ his life - some
35 years or more & that he is still
a resident of said County of Lee,
that his said wife deserted &
abandoned him more than three
years ago - about 10 years ago &
that while he was down with
a severe spell of sickness - Typhoid
fever & he verily believes that she
is fully determined never to live
with him again. X

Now, the object of this Bill is to
procure a dissolution of the bonds of
matrimony now existing between
him & the said Mollie Phillips and
to this end he prays that the said
Mollie Phillips be made a party defen-
dant hereto & answer the same but
not under oath that being waived
and upon a hearing a decree be
rendered dissolving & annulling the
the bonds heretofore & now existing
between your Orator & the said
Mollie Phillips. And for all other
further & general relief.

May your Honor be

James Phillips
by Counsel.

D. P. Sewell
Atty for Plff -

James Phillips

vs { Bill Chiz

Mollie Phillips

1900. 2nd May Rules
bill filed spa & d.
" 1st June rules taken
the last Monday in
May cause set for
hearing

November term 1900

Decree final O.B.

No 6 Page 448

Plffs Costs

Clerk 4.50

Tax 1.50

atty 15.00

N.P. 75-

C.C. 25-

\$21.00

90 to 00.

James Phillips Plff
against } In Chancery.
Mollie Phillips def

This cause came on this day to be heard upon the Bill of Plaintiff, the depositions of witnesses & was argued by counsel.

On consideration whereof and it appearing to the Court that process in this cause has been duly & properly served and it appearing from the ~~depositions~~ depositions that the ~~defendant~~ Plaintiff has shown a case of abandonment and desertion by the defendant, it is therefore adjudged, ordered & decreed that the bonds of matrimony contracted & entered into & hitherto existing between the Plaintiff, James Phillips and the defendant, Mollie Phillips be & the same are hereby dissolved and annulled, and the Plff recover his costs against the defendant for which execution may issue & the Cause is stricken from the docket.

James Phillips

vs 3 Decennial

Mollie Phillips

Entered on C. & B. L.

P. 448, 449.

Enter this

H A W S

Nov 13 - 1900 -

The depositions of G.C.McGinnis and others taken before me a notary public for the County of Lee and State of Virginia, at the law office of D.C.Sewell in the town of Jonesville, Virginia, on the 7th day of September, 1900, pursuant to notice hereto attached, which depositions are intended to be read as evidence in behalf of the plaintiff in a certain chancery suit now pending in the ~~Chancery~~ Circuit Court of Lee County, Virginia, wherein James Phillipps is plaintiff and Mollie Phillipps is defendant.

Present D.C.Sewell, attorney for plaintiff and James Phillipps the plaintiff in his own proper person.

James Phillipps, a witness of lawful age being duly sworn deposes as follows:

Q.1.-- Where do you reside, and are you the plaintiff in this case?

A.-- I am the plaintiff in this case, and I reside in Lee County Virginia, and have so lived all my life. I am 39 years old.

Q.2.-- About what time were you and Mollie, your wife, married?

A.-- About twelve years.

Q.3.-- How long have you been separated, and state the circumstances of your separation?

A.-- We have been separated about ten years, at least that long. My wife became quarrelsome and dissatisfied after living with me about a year and abandoned me and went to the State of Tennessee where she now resides. We have not lived together since this time as man and wife. I was true to her and provided for the best I could, and she left me when I was just getting well from a severe spell of fever.

And further this deponent saith not.

James Phillipps
mark

G.C.McGinnis another witness of lawful age being duly sworn deposes as follows:

Q.1.-- State your age, residence and occupation?

A.-- I am 53 years old, reside in Lee County, and am a dentist.

Q.2.-- State if you know James Phillipps and Mollie his wife have lived together as man and wife of recent years?

A.-- He and his wife have not lived together for about ten years. Mollie Phillipps has not been residing for the last ten years at the home of James Phillipps, but has been living apart from him in the State of Tennessee.

Q.3.-- When did you last see her?

A.-- May the 14th, 1900.

Q.4.-- On that occasion, if she said anything about living with her, husband, James Phillipps, please state what it was?

A.-- She told me that she did not want to live with him and never expected to.

Q.5.-- Where does the said James Phillipps reside?

A.-- In Lee County Virginia, and has so resided for 34 years to my knowledge.

And further this deponent saith not.

Geo E McGinnis

Andy Phillipps, another witness of lawful age being duly sworn deposes as follows.

Q.1.-- State your age, residence and occupation.

A.-- I am 44 years old, live in Lee County, Virginia and am a farmer.

Q.2.-- Are you acquainted with James Phillipps and his wife, Mollie Phillipps?

A.-- I am acquainted with them both.

Q.3.-- Do they live together as man and wife?

A.-- They do not.

Q.4.-- How long have they been separated and where do they now reside?

A.-- They have been separated about ten years. James lives in Lee County Virginia, and Mollie lives in the State of Tennessee.

Q.5.-- If you know anything about the circumstances of their separation please state it?

A.-- I was at the home of James Phillipps and his wife when she left. She said that she was going home. She went up to Mr. Greenes a short distance from her home, and that evening she came back and took her things and drove her cow off, and in about a week or ten days she

went to the State of Tennessee. James tried to get her to stay with him and I also tried to get her to stay, but she would not. This has been about ten years ago and she has never been back since.

And further this deponent saith not.

Andy ^{his} Phillipps
mark

Virginia, Lee County, to-wit:

I, C.E.Couk, a notary public, for the County aforesaid in the State of Virginia, do certify that the foregoing depositions of James Phillipps, G.C.McGinnis and Andy Phillipps, were duly taken, subscribed and sworn to, before me at the time and place and for the purposes in the caption mentioned. Given under my hand this the 7th day of September, 1900.

C.E. Couk N.P.

James Phillips
or. { Depositions
Mollie Phillips

Received from C. E. bank
the N. P. before whom
taken and filed Sept 7th
1900. A. B. Munsey clerk.

N. P. fee 1 hr. \$.75-

To Mollie Phillips

Take notice that I shall, on the 7th day of September 1900
at the Law Office of D. P. Sewell in Jonesville Virginia
between the hours of 8 A. M. and 6 P. M., on that day, proceed to take the depositions
of G. C. McGinnis and others, to be read in evidence in my behalf,
in a certain Suit in chancery depending in the Circuit court for the
County of Lee wherein you are Defendant
and I am Plaintiff; and if, from any cause, the taking of the said depositions
be not commenced on that day, or, if commenced, be not concluded on that day, the taking of the
same will be adjourned and continued from day to day, or from time to time, at the same place and
between the same hours, until the same shall be completed.

Respectfully yours,

James Phillips
by Counsel-

Virginia, Lee County, Turk, -

Personally appeared before me, a notary
Public for the County aforesaid in the State of
Virginia, Andy Phillips and made oath
that he on the 27th day of Aug. 1900
executed the within notice by delivering
a true copy of the same to Mollie Phillips
& who further made oath that he had read
to her the said notice & that he has no
interest in said suit.
Given under my hand
this Sept 7th 1900.

C. E. Leach N. P.

Form No. 404

NOTICE TO TAKE

DEPOSITIONS.

vs.

James Phillips

Mollie Phillips

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Mollie Phillips

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *3rd* Monday in *May 1900* ~~1899~~, to answer a
bill in chancery exhibited against *her* in our said court by *James*
Phillips

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the
court-house, the *3rd* day of *May 1900* ~~1899~~, and in the 12 *4th* year of the
Commonwealth.

A. B. Munsey Clerk

James Phillips

vs. {

SUBPOENA

IN CHANCERY

Mellie Phillips

Pridemore & Sewell p. q.

To 2nd May Rules.

1900 Circuit Court.

I accept legal
service of the
within Subpoena
in Chancery - This
May 14th 1900

Mellie Phillips
mark

Witness

G. C. McGinnis

Return this -